

PROOF

STATE OF IOWA

House Journal

THURSDAY, MAY 16, 2013

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(The official bound copy will be available after a reasonable time upon adjournment.)

JOURNAL OF THE HOUSE

One Hundred Twenty-third Calendar Day - Eightieth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Thursday, May 16, 2013

The House met pursuant to adjournment at 10:40 a.m., Speaker Paulsen in the chair.

Prayer was offered by Representative Rayhons of Hancock County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Mariah Keech, Minority Leader's Page from Story City.

The Journal of Wednesday, May 15, 2013, was approved.

SENATE MESSAGE CONSIDERED

[Senate File 455](#), by committee on Ways and Means, a bill for an act relating to an exemption from sales tax for the sales price from furnishing certain environmental testing services.

Read first time and referred to committee on **Ways and Means**.

On motion by Upmeyer of Cerro Gordo, the House was recessed at 10:43 a.m., until 1:00 p.m.

AFTERNOON SESSION

The House reconvened at 1:07 p.m. Speaker Paulsen in the chair.

QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. The vote revealed eighty-two members present, eighteen absent.

SENATE AMENDMENT CONSIDERED
House Concurred

Hagenow of Polk called up for consideration [Senate File 396](#), a bill for an act relating to government operations and efficiency and other related matters, and including effective date and applicability provisions, amended by the House, further amended by the Senate and moved that the House concur in the Senate amendment [H-1448](#) to the House amendment.

The motion prevailed and the House concurred in the Senate amendment [H-1448](#), to the House amendment.

Hagenow of Polk moved that the bill, as amended by the House, further amended by the Senate and concurred in by the House, be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" ([S.F. 396](#))

The ayes were, 86:

Alons	Bacon	Baltimore	Baudler
Bearinger	Berry	Brandenburg	Byrnes
Cohoon	Costello	Cownie	Deyoe
Dolecheck	Drake	Dunkel	Fisher
Forbes	Forristall	Fry	Gaines
Garrett	Gassman	Grassley	Hagenow
Hall	Hanson	Hanusa	Heartsill
Heaton	Heddens	Hein	Hess
Highfill	Huseman	Isenhardt	Jacoby
Jorgensen	Kajtazovic	Kaufmann	Kearns
Kelley	Klein	Koester	Kressig
Landon	Lofgren	Lundby	Lykam
Mascher	Maxwell	Miller, L.	Moore
Muhlbauer	Olson, R.	Olson, S.	Olson, T.
Ourth	Pettengill	Rayhons	Riding
Rogers	Ruff	Running-Marquardt	Salmon
Sands	Schultz	Shaw	Sheets
Smith, J.	Smith, M.	Soderberg	Staed
Stanerson	Steckman	Stutsman	Taylor, R.
Taylor, T.	Thede	Thomas	Upmeyer
Vander Linden	Watts	Windschitl	Wood
Worthan	Mr. Speaker		
	Paulsen		

The nays were, 11:

Abdul-Samad	Anderson	Gaskill	Hunter
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Lensing	McCarthy	Murphy	Oldson
Wessel-Kroeschell	Winckler	Wolfe	

Absent or not voting, 3:

Dawson	Miller, H.	Prichard
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

The House stood at ease at 1:21 p.m., until the fall of the gavel.

The House resumed session at 2:51 p.m., Speaker Paulsen in the chair.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on May 16, 2013, amended and passed the following bill in which the concurrence of the House is asked:

[House File 489](#), a bill for an act relating to various matters under the purview of the insurance division of the department of commerce, providing penalties, and including applicability and effective date provisions.

Also: That the Senate has on May 16, 2013, amended and passed the following bill in which the concurrence of the House is asked:

[House File 599](#), a bill for an act relating to beginning farmers by modifying the agricultural assets transfer tax credit, providing a custom farming contract tax credit, and terminating the agricultural loan assistance program, and including effective date and retroactive applicability provisions.

Also: That the Senate has on May 16, 2013, amended and passed the following bill in which the concurrence of the House is asked:

[House File 615](#), a bill for an act relating to the innovation fund investment tax credit by modifying the tax credit and the authority and duties of the Iowa innovation corporation relating to the tax credit, and including effective date and retroactive applicability provisions.

Also: That the Senate has on May 16, 2013, amended and passed the following bill in which the concurrence of the House is asked:

[House File 640](#), a bill for an act relating to liquids which are flammable or combustible, by providing for the storage, marketing, and distribution of such liquids, providing for the marketing and distribution of liquids classified as motor fuel, including

a conventional blendstock for oxygenate blending, and blended and unblended gasoline and diesel fuel, providing for liability, extending the period for determining the rates of the motor fuel tax based on calculating the distribution of ethanol blended gasoline and other motor fuel, including fees and penalties, and including effective date provisions.

Also: That the Senate has on May 16, 2013, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

[Senate File 406](#), a bill for an act relating to involuntary commitments for persons with substance-related disorders, mental illness, and intellectual disabilities, and providing for the creation of an office of mental health advocate in the department of human rights and including effective date provisions.

Also: That the Senate has on May 16, 2013, adopted the Conference Committee report and passed [Senate File 435](#), a bill for an act relating to and making appropriations involving state government entities involved with agriculture, natural resources, and environmental protection.

MICHAEL E. MARSHALL, Secretary

IMMEDIATE MESSAGE

Upmeyer of Cerro Gordo asked and received unanimous consent that [Senate File 396](#) be immediately messaged to the Senate.

RULE 57 SUSPENDED

Upmeyer of Cerro Gordo asked and received unanimous consent to suspend Rule 57, relating to committee notice and agenda, for a meeting of the committee on Government Oversight to meet immediately.

The House stood at ease at 2:52 p.m., until the fall of the gavel.

The House resumed session at 3:39 p.m., Speaker Paulsen in the chair.

SPECIAL PRESENTATION

Kaufmann of Cedar introduced to the House former legislator, Jeff Kaufmann.

The House rose and expressed its welcome.

QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. The vote revealed eighty-one members present, nineteen absent.

CONFERENCE COMMITTEE REPORT RECEIVED

([Senate File 435](#))

A conference committee report signed by the following Senate and House members was filed May 16, 2013, on [Senate File 435](#), a bill for an act relating to and making appropriations involving state government entities involved with agriculture, natural resources, and environmental protection:

ON THE PART OF THE HOUSE: ON THE PART OF THE SENATE:

JACK DRAKE, CHAIR
BRUCE BEARINGER
PAT GRASSLEY
JARAD KLEIN
PATTI RUFF

DENNIS H. BLACK, CHAIR
DICK L. DEARDEN
MARY JO WILHELM

ADOPTION OF THE REPORT OF THE
CONFERENCE COMMITTEE

([Senate File 435](#))

Drake of Cass called up for consideration the report of the conference committee on [Senate File 435](#), a bill for an act relating to and making appropriations involving state government entities involved with agriculture, natural resources, and environmental protection, and moved the adoption of the conference committee report and the amendments contained therein.

The motion prevailed and the conference committee report was adopted.

Drake of Cass moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question “Shall the bill pass?” ([S.F. 435](#))

The ayes were, 97:

Abdul-Samad	Alons	Anderson	Bacon
Baltimore	Baudler	Bearinger	Berry
Brandenburg	Byrnes	Cohoon	Costello
Cownie	Deyoe	Dolecheck	Drake
Dunkel	Fisher	Forbes	Forristall
Fry	Gaines	Garrett	Gaskill
Gassman	Grassley	Hagenow	Hall
Hanson	Hanusa	Heartsill	Heaton
Heddens	Hein	Hess	Highfill
Hunter	Huseman	Isenhardt	Jacoby
Jorgensen	Kajtazovic	Kaufmann	Kearns
Kelley	Klein	Koester	Kressig
Landon	Lensing	Lofgren	Lundby
Lykam	Mascher	Maxwell	McCarthy
Miller, L.	Moore	Muhlbauer	Murphy
Oldson	Olson, R.	Olson, S.	Olson, T.
Ourth	Pettengill	Rayhons	Riding
Rogers	Ruff	Running-Marquardt	Salmon
Sands	Schultz	Shaw	Sheets
Smith, J.	Smith, M.	Soderberg	Staed
Stanerson	Steckman	Stutsman	Taylor, R.
Taylor, T.	Thede	Thomas	Upmeyer
Vander Linden	Watts	Wessel-Kroeschell	Winckler
Windschitl	Wolfe	Wood	Worthan
Mr. Speaker			
Paulsen			

The nays were, none.

Absent or not voting, 3:

Dawson	Miller, H.	Prichard
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

The House stood at ease at 3:51 p.m., until the fall of the gavel.

The House resumed session at 5:37 p.m., S. Olson of Clinton in the chair.

QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. The vote revealed eighty-nine members present, eleven absent.

Speaker Paulsen in the chair at 5:44 p.m.

INTRODUCTION OF BILL

[House File 649](#), by committee on Government Oversight, a bill for an act relating to the liability of a land holder for the public use of private lands and waters for a recreational purpose or urban deer control.

Read first time and placed on the **calendar**.

CONFERENCE COMMITTEE REPORT RECEIVED

([House File 604](#))

A conference committee report signed by the following Senate and House members was filed May 16, 2013, on [House File 604](#), a bill for an act relating to the funding of, the operation of, and appropriation of moneys to the college student aid commission, the department for the blind, the department of education, and the state board of regents, and providing for related matters:

ON THE PART OF THE HOUSE: ON THE PART OF THE SENATE:

CECIL DOLECHECK, CHAIR
CURT HANSON
RON JORGENSEN
ROB TAYLOR

BRIAN SCHOENJAHN, CHAIR
WALLY E. HORN
HERMAN C. QUIRMBACH

ADOPTION OF THE REPORT OF THE CONFERENCE COMMITTEE

([House File 604](#))

Dolecheck of Ringgold called up for consideration the report of the conference committee on [House File 604](#), a bill for an act relating to the funding of, the operation of, and appropriation of moneys to the college student aid commission, the department for the blind, the department of education, and the state board of regents, and providing for related matters, and moved the adoption of the conference committee report and the amendments contained therein.

The motion prevailed and the conference committee report was adopted.

Dolecheck of Ringgold moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" ([H.F. 604](#))

The ayes were, 87:

Alons	Anderson	Bacon	Baltimore
Baudler	Bearinger	Berry	Brandenburg
Byrnes	Cohoon	Costello	Cownie
Deyoe	Dolecheck	Drake	Dunkel
Fisher	Forbes	Forristall	Fry
Gaines	Garrett	Gaskill	Gassman
Grassley	Hagenow	Hall	Hanson
Hanusa	Heartsill	Heaton	Heddens
Hein	Hess	Highfill	Huseman
Isenhardt	Jacoby	Jorgensen	Kajtazovic
Kaufmann	Kearns	Klein	Koester
Kressig	Landon	Lofgren	Lykam
Mascher	Maxwell	McCarthy	Miller, L.
Moore	Muhlbauer	Murphy	Oldson
Olson, R.	Olson, S.	Olson, T.	Ourth
Pettengill	Rayhons	Riding	Rogers
Ruff	Running-Marquardt	Salmon	Sands
Schultz	Shaw	Sheets	Smith, J.
Smith, M.	Soderberg	Staed	Stanerson
Stutsman	Taylor, R.	Thomas	Upmeyer
Vander Linden	Watts	Windschitl	Wolfe
Wood	Worthan	Mr. Speaker	
		Paulsen	

The nays were, 10:

Abdul-Samad	Hunter	Kelley	Lensing
Lundby	Steckman	Taylor, T.	Thede
Wessel-Kroeschell	Winckler		

Absent or not voting, 3:

Dawson	Miller, H.	Prichard
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The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

SENATE AMENDMENTS CONSIDERED

House Concurred

Lofgren of Muscatine called up for consideration [House File 615](#), a bill for an act relating to the innovation fund investment tax credit

by modifying the tax credit and the authority and duties of the Iowa innovation corporation relating to the tax credit, and including effective date and retroactive applicability provisions, amended by the Senate, and moved that the House concur in the Senate amendment [H-1452](#).

The motion prevailed and the House concurred in the Senate amendment [H-1452](#).

Lofgren of Muscatine moved that the bill, as amended by the Senate and concurred in by the House, be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" ([H.F. 615](#))

The ayes were, 95:

Abdul-Samad	Alons	Anderson	Bacon
Baltimore	Baudler	Bearinger	Berry
Brandenburg	Byrnes	Cohoon	Costello
Cownie	Deyoe	Dolecheck	Drake
Dunkel	Fisher	Forbes	Forristall
Fry	Gaines	Garrett	Gaskill
Gassman	Grassley	Hagenow	Hall
Hanson	Hanusa	Heartsill	Heaton
Heddens	Hein	Hess	Highfill
Huseman	Isenhardt	Jacoby	Jorgensen
Kajtazovic	Kaufmann	Kearns	Kelley
Klein	Koester	Kressig	Landon
Lensing	Lofgren	Lundby	Lykam
Mascher	Maxwell	McCarthy	Miller, L.
Moore	Muhlbauer	Murphy	Oldson
Olson, S.	Olson, T.	Ourth	Pettengill
Rayhons	Riding	Rogers	Ruff
Running-Marquardt	Salmon	Sands	Schultz
Shaw	Sheets	Smith, J.	Smith, M.
Soderberg	Staed	Stanerson	Steckman
Stutsman	Taylor, R.	Taylor, T.	Thede
Thomas	Upmeyer	Vander Linden	Watts
Wessel-Kroeschell	Winckler	Windschitl	Wolfe
Wood	Worthan	Mr. Speaker	
		Paulsen	

The nays were, 2:

Hunter	Olson, R.
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Absent or not voting, 3:

Dawson Miller, H. Prichard

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

House Concurred

Kaufmann of Cedar called up for consideration [House File 599](#), a bill for an act relating to beginning farmers by modifying the agricultural assets transfer tax credit, providing a custom farming contract tax credit, and terminating the agricultural loan assistance program, and including effective date and retroactive applicability provisions, amended by the Senate, and moved that the House concur in the Senate amendment [H-1453](#).

The motion prevailed and the House concurred in the Senate amendment [H-1453](#).

Kaufmann of Cedar moved that the bill, as amended by the Senate and concurred in by the House, be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question “Shall the bill pass?” ([H.F. 599](#))

The ayes were, 94:

Abdul-Samad	Alons	Anderson	Bacon
Baltimore	Baudler	Bearinger	Berry
Brandenburg	Byrnes	Cohoon	Costello
Cownie	Deyoe	Dolecheck	Drake
Dunkel	Fisher	Forbes	Forristall
Fry	Gaines	Garrett	Gaskill
Gassman	Grassley	Hagenow	Hall
Hanson	Hanusa	Heartsill	Heaton
Heddens	Hein	Hess	Highfill
Huseman	Isenhardt	Jacoby	Jorgensen
Kajtazovic	Kaufmann	Kearns	Kelley
Klein	Koester	Kressig	Landon
Lensing	Lofgren	Lundby	Lykam
Maxwell	McCarthy	Miller, L.	Moore
Muhlbauer	Murphy	Oldson	Olson, R.
Olson, S.	Olson, T.	Ourth	Pettengill
Rayhons	Riding	Rogers	Ruff
Running-Marquardt	Salmon	Sands	Schultz
Shaw	Sheets	Smith, J.	Smith, M.
Soderberg	Staed	Stanerson	Steckman

Stutsman	Taylor, R.	Taylor, T.	Thede
Thomas	Upmeyer	Vander Linden	Watts
Winckler	Windschitl	Wolfe	Wood
Worthan	Mr. Speaker		
	Paulsen		

The nays were, 3:

Hunter	Mascher	Wessel-Kroeschell
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Absent or not voting, 3:

Dawson	Miller, H.	Prichard
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

CONSIDERATION OF BILL Regular Calendar

Upmeyer of Cerro Gordo asked and received unanimous consent for the immediate consideration of [House File 649](#).

[House File 649](#), a bill for an act relating to the liability of a land holder for the public use of private lands and waters for a recreational purpose or urban deer control, was taken up for consideration.

Cownie of Polk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" ([H.F. 649](#))

The ayes were, 97:

Abdul-Samad	Alons	Anderson	Bacon
Baltimore	Baudler	Bearinger	Berry
Brandenburg	Byrnes	Cohoon	Costello
Cownie	Deyoe	Dolecheck	Drake
Dunkel	Fisher	Forbes	Forristall
Fry	Gaines	Garrett	Gaskill
Gassman	Grassley	Hagenow	Hall
Hanson	Hanusa	Heartsill	Heaton
Heddens	Hein	Hess	Highfill
Hunter	Huseman	Isenhardt	Jacoby
Jorgensen	Kajtazovic	Kaufmann	Kearns
Kelley	Klein	Koester	Kressig

Landon	Lensing	Lofgren	Lundby
Lykam	Mascher	Maxwell	McCarthy
Miller, L.	Moore	Muhlbauer	Murphy
Oldson	Olson, R.	Olson, S.	Olson, T.
Ourth	Pettengill	Rayhons	Riding
Rogers	Ruff	Running-Marquardt	Salmon
Sands	Schultz	Shaw	Sheets
Smith, J.	Smith, M.	Soderberg	Staed
Stanerson	Steckman	Stutsman	Taylor, R.
Taylor, T.	Thede	Thomas	Upmeyer
Vander Linden	Watts	Wessel-Kroeschell	Winckler
Windschitl	Wolfe	Wood	Worthan
Mr. Speaker			
Paulsen			

The nays were, none.

Absent or not voting, 3:

Dawson	Miller, H.	Prichard
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

IMMEDIATE MESSAGES

Upmeyer of Cerro Gordo asked and received unanimous consent that the following bills be immediately messaged to the Senate:
House Files 599, 604, 615 and 649.

On motion by Upmeyer of Cerro Gordo, the House was recessed at 6:22 p.m., until 8:00 p.m.

EVENING SESSION

The House reconvened at 8:25 p.m., Speaker Paulsen in the chair.

MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on May 16, 2013, passed the following bill in which the concurrence of the Senate was asked:

[House File 649](#), a bill for an act relating to the liability of a land holder for the public use of private lands and waters for a recreational purpose or urban deer control.

MICHAEL E. MARSHALL, Secretary

LEAVE OF ABSENCE

Leave of absence was granted during voting as follows:

Dawson of Woodbury
Prichard of Floyd

Miller, H. of Webster

MOTION TO RECONSIDER
([Senate File 435](#))

I move to reconsider the vote by which [Senate File 435](#) passed the House on May 16, 2013.

UPMEYER of Cerro Gordo

EXPLANATION OF VOTE

On May 15, 2013, I was necessarily absent during voting in the House chamber. Had I been present, I would have voted as follows:

[House File 592](#) – “aye”

[House File 626](#) – “aye”

[Senate File 406](#) – “aye” Amendment [H-1450](#) to [H-1449](#) – “aye”

BERRY of Black Hawk

BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on May 16, 2013, he approved and transmitted to the Secretary of State the following bills:

[Senate File 432](#), an Act relating to the administration of the tax and related laws of the Department of Revenue, including administration of income taxes, sales and use and excise taxes, an environment protection charge, and property taxes, and including effective date and retroactive applicability provisions.

[Senate File 433](#), an Act relating to the requirements and administration of the targeted jobs withholding credit pilot project and including applicability provisions.

[Senate File 436](#), an Act relating to the historic preservation and cultural and entertainment district tax credit by modifying the definition of substantial rehabilitation, the qualifications for certain projects, and including effective date and applicability provisions.

COMMUNICATIONS RECEIVED

The following communications were received and filed in the office of the Chief Clerk:

AUDITOR OF STATE

Special Investigation of the City of Indianola, pursuant to Iowa Code section 11.6.

DEPARTMENT OF EDUCATION

State Library Report-Enrich Iowa Program Evaluation, pursuant to Iowa Code section 256.57(6).

DEPARTMENT OF PUBLIC HEALTH

Protected Health Information Review, Chapter 1080.16, 2012 Iowa Acts.

COMMITTEE RECOMMENDATION

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendation has been received and is on file in the office of the Chief Clerk:

CARMINE BOAL
Chief Clerk of the House

COMMITTEE ON GOVERNMENT OVERSIGHT

Committee Bill (Formerly [House Study Bill 240](#)), relating to the liability of a land holder for the public use of private lands and waters for a recreational purpose or urban deer control.

Fiscal Note: **No**

Recommendation: **Amend and Do Pass** May 16, 2013.

AMENDMENTS FILED

H-1452	H.F. 615	Senate Amendment
H-1453	H.F. 599	Senate Amendment
H-1454	H.F. 640	Senate Amendment
H-1455	H.F. 489	Senate Amendment
H-1456	H.F. 640	Byrnes of Mitchell

On motion by Hagenow of Polk, the House adjourned at 8:26 p.m., until 10:30 a.m., Friday, May 17, 2013.